

Panaji, 29th April, 1976 (Vaisaka 9, 1898)

SERIES I No. 5

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judiciary Department

Notification

LD/344/76

The following notifications received from the Government of India, Ministry of Health and Family Planning New Delhi, are hereby republished for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 11th March, 1976.

MINISTRY OF HEALTH AND FAMILY PLANNING (Department of Family Planning)

New Delhi, the 10th October, 1975

G. S. R. 2543. — In exercise of the powers conferred by section 6 of the Medical Termination of Pregnancy Act, 1971 (34 of 1971), the Central Government hereby makes the following rules namely: —

1. *Short title and commencement.* — (1) These rules may be called the Medical Termination of Pregnancy Rules, 1975.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.* — In these rules, unless the context otherwise requires,

(a) "Act" means the Medical Termination of Pregnancy Act, 1971 (34 of 1971);

(b) "Chief Medical Officer of the District" means the Chief Medical Officer of a District, by whatever name called;

(c) "Form" means a form appended to these rules;

(d) "Owner" in relation to a place, means any person who is the administrative head or otherwise responsible for the working or maintenance of such hospital or clinic, by whatever name called;

(e) "Place" means such building, tent, vehicle or vessel, or part thereof, as is used for the esta-

blishment or maintenance therein of a hospital or clinic which is used, or intended to be used, for the termination of any pregnancy;

(f) "Section" means a section of the Act.

3. *Experience or training etc.* — For the purpose of clause (d) of section 2, a registered medical practitioner shall have one or more of the following experience or training in gynaecology and obstetrics, namely:

(a) In the case of a medical practitioner who was registered in a State Medical Register immediately before the commencement of the Act, experience in the practice of gynaecology and obstetrics for a period of not less than three years;

(b) in the case of a medical practitioner who was registered in a State Medical Register on or after the date of the commencement of the Act, —

(i) if he has completed six months of house surgency in gynaecology and obstetrics; or

(ii) unless the following facilities are provided therein, if he had experience at any hospital for a period of not less than one year in the practice of obstetrics and gynaecology; or

(iii) if he has assisted a registered medical practitioner in the performance of twenty five cases of medical termination of pregnancy in a hospital established or maintained, or a training institute approved for this purpose by the Government.

(c) in the case of a medical practitioner who has been registered in a State Medical Register and who holds a post-graduate degree or diploma in gynaecology and obstetrics, the experience or training gained during the course of such degree or diploma.

4. *Approval of a place.* — (1) No place shall be approved under clause (b) of section 4, —

(i) unless the Government is satisfied that termination of pregnancies may be done therein under safe and hygienic conditions; and

(ii) unless the following facilities are provided therein, namely: —

(a) An operation table and instruments for performing abdominal or gynaecological surgery;

(b) anaesthetic equipment, resuscitation equipment and sterilisation equipment;

(c) drugs and parenteral fluids for emergency use.

(2) Every application for the approval of a place shall be in a Form A and shall be addressed to the Chief Medical Officer of the District.

(3) On receipt of an application referred to in sub-rule (2), the Chief Medical Officer of the District shall verify or enquire any information contained in any such application or inspect any such place with a view to satisfying himself that the facilities referred to in sub-rule (1) are provided therein, and that termination of pregnancies may be made therein under safe and hygienic conditions.

(4) Every owner of the place which is inspected by the Chief Medical Officer of the District shall afford all reasonable facilities for the inspection of the place.

(5) The Chief Medical Officer of the District may, if he is satisfied after such verification, enquiry or inspection, as may be considered necessary, that termination of pregnancies may be done under safe and hygienic conditions, at the place, recommend the approval of such place to the Government.

(6) The Government may after considering the application and the recommendations of the Chief Medical Officer of the District approve such place and issue a certificate of approval in Form B.

(7) The certificate of approval issued by the Government shall be conspicuously displayed at the place to be easily visible to persons visiting the place.

5. Inspection of a place. — (1) A place approved under rule 4 may be inspected by the Chief Medical Officer of the District as often as may be necessary with a view to verify whether termination of pregnancies is being done therein under safe and hygienic conditions.

(2) If the Chief Medical Officer has reason to believe that there has been death of, or injury to, a pregnant woman at the place or that termination of pregnancies is not being done at the place under safe and hygienic conditions, he may call for any information or may seize any article, medicine, ampule, admission register or other document, maintained, kept or found at the place.

(3) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to seizure shall, so far as may be, apply to seizure made under sub-rule (2).

6. Cancellation of suspension of certificate of approval. — (1) If, after inspection of any place approved under rule 4, the Chief Medical Officer of the District is satisfied that the facilities specified in rule 4 are not being properly maintained therein and the termination of pregnancy at such place cannot be made under safe and hygienic conditions, he shall make a report of the fact to the Government giving the detail of the deficiencies or defects found at the place. On receipt of such report the Government may, after giving the owner of the place a reasonable opportunity of being heard, either cancel the certificate or approval or suspend the same for such period as it may think fit.

(2) Where a certificate issued under rule 4 is cancelled or suspended, the owner of the place may make such additions or improvements in the place as he may think fit and thereafter, he may make an application to the Government for the issue to him of a

fresh certificate of approval under rule 4 or, as the case may be, for the revival of the certificate which was suspended under sub-rule (1).

(3) The provisions of rule 4 shall, as far as may, apply to an application for the issue of a fresh certificate of approval in relation to a place or as the case may be, for the revival of a suspended certificate as they apply to an application for the issue of a certificate of approval under that rule.

(4) In the event of suspension of a certificate, of approval, the place shall not be deemed to be an approved place for the purposes of termination of pregnancy from the date of communication of the order of such suspension.

7. Review. — (1) The owner of a place who is aggrieved by an order made under rule 6, may make an application for a review of the order to the Government within a period of sixty days from the date of such order.

(2) The Government may, after giving the owner an opportunity of being heard, confirm, modify or reverse the order.

8. Form of consent. — The consent referred to in sub-section (4) of section 3 shall be given in Form C.

9. Repeal and saving. — The Medical Termination of Pregnancy Rules, 1972, are hereby repealed except as respect things done or omitted to be done before such repeal.

FORM A

(See sub-rule (2) of rule 4)

Form of application for the approval of a place under clause (b) of section 4.

1. Name of the place (in capital letters).
2. Address in full.
3. Non-Governmental/Private/Nursing Home/Other Institutions*.
4. State, if the following facilities are available at the place.
 - (i) An operation table and instruments for performing abdominal or gynaecological surgery.
 - (ii) Drugs and parenteral fluid in sufficient supply for emergency cases.
 - (iii) Anaesthetic equipment, resuscitation equipment and Sterilisation equipment.

Place:

Date:

Signature of the owner
of the place

* Strike out whichever is not applicable.

FORM B

(See sub-rule (6) of rule 4)

Certificate of approval.

The place described below is hereby approved for the purpose of the Medical Termination of Pregnancy Act, 1971 (34 of 1971).

Name of the place ...

Address and other descriptions ...

Name of the owner ...

Place:

Date:

to the Government of the ...

FORM C
(See rule 8)

I, ... daughter/wife of ... aged about ... years of ... (Here state the permanent address) at present residing at ... do hereby give my consent to the termination of my pregnancy at ... (State the name of place where the pregnancy is to be terminated).

Place:

Date:

Signature

(To be filled in by guardian where the woman is a lunatic or minor).

I, ..., son/daughter/wife of ... aged about ... years of ... at present residing at ... (permanent address) do hereby give my consent to the termination of the pregnancy of my ward ... who is a minor/lunatic at ... (Place of termination of pregnancy).

Place:

Date:

Signature

New Delhi, the 10th October, 1975

G. S. R. 2544. — In exercise of the powers conferred by section 7 of the Medical Termination of Pregnancy Act, 1971 (34 of 1971), the Central Government hereby makes the following regulations, namely:—

1. *Short title, extent and commencement.* — (1) These regulations may be called the Medical Termination of Pregnancy Regulations, 1975.

(2) They extend to all the Union territories.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.* — In these regulations, unless the context otherwise requires,—

(a) "Act" means the Medical Termination of Pregnancy Act, 1971 (34 of 1971);

(b) "Admission Register" means the register maintained under regulation 5;

(c) "approved place" means a place approved under rule 4 of the Medical Termination of Pregnancy Rules, 1975.

(d) "Chief Medical Officer of the State" means the Chief Medical Officer of the State, by whatever name called;

(e) "Form" means a form appended to these regulations;

(f) "hospital" means a hospital established or maintained by the Central Government or the Government of Union Territory;

(g) "Section" means a section of the Act.

3. *Form of certifying opinion or opinions* — (1) Where one registered medical practitioner forms or not less than two registered medical practitioners form such opinion as is referred to in sub-section (2) of section 3 or 5, he or they shall certify such opinion in Form I.

(2) Every registered medical practitioner who terminates any pregnancy shall, within three hours from the termination of the pregnancy certify such termination in Form I.

4. *Custody of forms.* — (1) The consent given by a pregnant woman for the termination of her pregnancy together with the certified opinion recorded under section 3 or section 5, as the case may be and the intimation of termination of pregnancy shall be placed in an envelope which shall be sealed by the registered medical practitioner or practitioners by whom such termination of pregnancy was performed and until that envelope is sent to the head of the hospital or owner of the approved place or the Chief Medical Officer of the State, it shall be kept in the safe custody of the concerned registered medical practitioner or practitioners, as the case may be.

(2) On every envelope referred to in sub-regulation (1), pertaining to the termination of pregnancy under section 3, there shall be noted the serial number assigned to the pregnant woman in the Admission Register and the name of the registered medical practitioner or practitioners by whom the pregnancy was terminated and such envelope shall be marked "SECRET".

(3) Every envelope referred to in sub-regulation (2) shall be sent immediately after the termination of the pregnancy to the head of the hospital or owner of the approved place where the pregnancy was terminated.

(4) On receipt of the envelope referred to in sub-regulation (3) the head of the hospital or owner of the approved place shall arrange to keep the same in safe custody.

(5) Every head of the hospital or owner of the approved place shall send to the Chief Medical Officer of the State, a weekly statement of cases where medical termination of pregnancy has been done in Form II.

(6) On every envelope referred to in sub-regulation (1), pertaining to a termination of pregnancy under section 5, shall be noted the name and address of the registered medical practitioner by whom the pregnancy was terminated and the date on which the pregnancy was terminated and such envelopes shall be marked "SECRET".

Explanation — The columns pertaining to the hospital or approved place and the serial number assigned to the pregnant woman in the Admission Register shall be left blank in Form I in the case of termination performed under section 5.

(7) Where the Pregnancy is not terminated in an approved place or hospital, every envelope referred to in sub-regulation (6) shall be sent by registered post to the Chief Medical Officer of the State on the same day on which the pregnancy was terminated or on the working day next following the day on which the pregnancy was terminated:

Provided that where the pregnancy is terminated in an approved place or hospital, the procedure provided in sub-regulations (1) to (6) shall be followed.

5. *Maintenance of Admission Register.* — (1) Every head of the hospital or owner of the approved place shall maintain a register in form III for recording therein the admissions of women for the termination of their pregnancies.

(2) The entries in the Admission Register shall be made serially and a fresh serial shall be started at the commencement of each calendar year and the

serial number of the particular year shall be distinguished from the serial number of other years by mentioning the year against the serial number, for example, serial number 5 of 1972 and serial number 5 of 1973 shall be mentioned as 5/1972 and 5/1973.

(3) The Admission Register shall be a secret document and the information contained therein as to the name and other particulars of the pregnant woman shall not be disclosed to any person.

6. Admission Register not to be open to inspection.—The Admission Register shall be kept in the safe custody of the head of the hospital or owner of the approved place or by any person authorised by such head or owner and save as otherwise provided in sub-regulation (5) of regulation 4 shall not be open to inspection by any person except under the authority of:—

(i) in the case of a departmental or other enquiry, the Chief Secretary to the Government of a Union Territory;

(ii) in the case of an investigation into an offence, a Magistrate of the First Class within the local limits or whose jurisdiction the hospital or approved place is situated;

(iii) in the case of suit or other action for damages, the District Judge, within the local limits of whose jurisdiction the hospital or approved place is situated:

Provided that the registered medical practitioner shall, on the application of an employed woman whose pregnancy has been terminated, grant a certificate for the purpose of enabling her to obtain leave from her employer:

Provided further that any such employer shall not disclose this information to any other person.

7. Entries in registers maintained in hospital or approved place.—No entry shall be made in any case-sheet, operation theatre register, followup card or any other document or register (except the Admission Register) maintained at any hospital or approved place indicating therein the name of the pregnant woman and reference to the pregnant woman shall be made therein by the serial number assigned to such woman in the Admission Register.

8. Destruction of Admission Register and other Papers.—Save as otherwise directed by the Chief Secretary to the Union territory Administration or for in relation to any proceeding pending before him, as directed by a District Judge or a Magistrate of the First Class, every Admission Register shall be destroyed on the expiry of a period of five years from the date of the last entry in that Register and other papers on the expiry of a period of three years from the date of the termination of the pregnancy concerned.

FORM I

(See Regulation 3)

..... (Name and qualifications of Registered Medical Practitioner in block letters) (Full address of the Registered Medical Practitioner).

I, (Name and qualifications of the Registered Medical Practitioner in block letters) (Full address of the Registered Medical Practitioner) hereby certify that

*I/we am/are of opinion, formed in good faith, that it is necessary to terminate the pregnancy of (Full name of pregnant woman in block letters) resident of (Full address of woman in block letters) for the reasons given below **.

*I/We hereby give intimation that *I/We terminated the pregnancy of the woman referred to above who bears the serial No. in the Admission Register of the Hospital/approved place.

Signature of Registered Medical Practitioner

Signatures of Registered Medical Practitioners

Place:

Date:

* Strike out whichever is not applicable.

** Of the reasons specified items (i) to (v) write the one which is appropriate.

(i) In order to save the life of the pregnancy woman.

(ii) In order to prevent grave injury to the physical or mental health of the pregnant woman.

(iii) In view of the substantial risk that if the child was born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

(iv) As the pregnancy is alleged by pregnant woman to have been caused by rape.

(v) As the pregnancy has occurred as a result of failure of any contraceptive device or methods used by married woman or her husband for the purpose of limiting the number of children.

Note.—Account may be taken of the pregnant woman's actual or reasonably foreseeable environment in determining whether the continuance of a pregnancy would involve a grave injury to her physical or mental health.

Place:

Date:

Signature of the Registered Medical Practitioner

Signatures of the Registered Medical Practitioners

FORM II

[See Regulation 4(5)]

1. Name of the State

2. Name of Hospital/approved place

3. Duration of pregnancy (give total no. only)

(a) Upto 12 weeks.

(b) Between 12-20 weeks.

4. Religion of women

(a) Hindu

(b) Muslim

(c) Christian

(d) Others

(e) Total

5. Termination with acceptance of contraception

(a) Sterilisation

(b) I. U. D.

6. Reasons for termination: (give total number under each sub-head).

(a) Danger to life of the pregnant women.

(b) Grave injury to the physical health of the pregnant woman.

(c) Grave injury to the mental health of the pregnant woman.

(d) Pregnancy caused by rape.

(e) Substantial risk that if the child was born, it would suffer from such physical or mental abnormalities as to be seriously handicapped.

(f) Failure of any contraceptive device or method.

Signature of the Officer-in-charge with date

FORM III
(See Regulation 5)
Admission Register

(To be destroyed on the expiry of five years from the dated of the last entry in the Register).

Sr. No.	Date of admission	Name of patient	Wife/Daughter of	Age	Religion	Address
1	2	3	4	5	6	7
Duration of Pregnancy	Reasons on which Pregnancy is terminated	Date of termination of Pregnancy	Date of discharge of patient	Result and Remarks	Name of Registered Medical Practitioner(s) by whom the opinion is formed	Name of Registered Medical Practitioner by whom Pregnancy is terminated
8	9	10	11	12	13	14

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/942/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 23rd April, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Mundkars (Protection from Eviction) (Amendment) Bill, 1976

(Bill No. 19 of 1976)

A
BILL

to amend the provisions of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975.

Be it enacted by the Legislative Assembly of the Goa, Daman and Diu in the Twenty-seventh year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa, Daman and Diu Mundkars (Protection from Eviction) (Amendment) Act, 1976.

(2) It shall come into force at once.

2. *Amendment of section 4.*— In explanation to sub-clause (c) of clause (ii) of sub-section (2) of section 4 of the Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975 (1 of 1976) (hereinafter called the principal Act), the expression “If the Bhatkar does not possess such land the Mamlatdar may provide for the same, following the provisions under section 16” shall be omitted.

3. *Amendment of section 16.*— In section 16 of the principal Act,—

(i) sub-section (9) shall be substituted by the following, namely:—

“(9) where a mundkar fails to deposit the first instalment or the subsequent instalments

or the lumpsum, as the case may be, on or before the due date, the amount due shall bear an interest of six per cent per annum.”;

(ii) sub-section (10) shall be omitted.

Statement of Objects and Reasons

At the time of passing of the Goa, Daman and Diu Mundkars (Protection from Eviction) Bill, 1975 many amendments were carried out. As a result of such amendments, various consequential amendments were also carried out. However, two consequential amendments in Clauses 4(2)(ii)(c) and 16(10) of the Bill were omitted to be carried out. The Bill was subsequently been submitted to the Government of India for Presidential assent with an understanding that an amending legislation would be brought to correct these mistakes.

The present Bill, therefore, seeks to carry out the amendment to sections 4 and 16 of the principal Act.

Financial Memorandum

No financial implications are involved in the present Bill.

Panaji,
22nd April, 1976.

PRATAPSING RANE
Minister for Revenue

Assembly Hall,
Panaji,
23rd April, 1976.

M. M. NAIK
Secretary to the Legislative Assembly
of Goa, Daman and Diu.

(Annexure to Bill No. 19 of 1976)

The Goa, Daman and Diu Mundkars (Protection from Eviction) (Amendment) Bill, 1976

The Goa, Daman and Diu Mundkars (Protection from Eviction) Act, 1975

(Act No. 1 of 1976)

4. *Bar to eviction from a dwelling house and restoration of possession.*— (1) Notwithstanding anything to the contrary

provided in any custom, usage, contract, decree or order of any court or tribunal or any law, no mundkar shall be evicted from his dwelling house except in accordance with the provisions of this Act.

(2) Any mundkar, who was in occupation of a dwelling house on the 4th February, 1971 and was evicted from such dwelling house thereafter but before the appointed date, shall be entitled to the restoration of such dwelling house, if—

(i) he makes an application to the Mamlatdar, in the prescribed form, within one year from the appointed date, for the restoration of such dwelling house; and

(ii) the bhatkar is not able to prove that—

(a) the mundkar was evicted from the dwelling house in execution of an order of the Mamlatdar or the Administrative Tribunal or a Civil Court; or

(b) the mundkar was paid by the bhatkar any consideration in cash or kind or given an alternative site for the construction of a dwelling house or an alternative dwelling house; or

(c) the dwelling house has been destroyed, dismantled or removed.

Explanation.—For the purposes of sub-clause (c) if it is proved to the satisfaction of the Mamlatdar that the dwelling

house was destroyed, dismantled or removed in order to defeat the purposes of this Act, the bhatkar shall be liable to provide a similar dwelling house at his own cost in the same property and if not possible in his own nearest property. If the bhatkar does not possess such land the Mamlatdar may provide for the same, following the provisions under section 18.

16. *Procedure for purchase under section 15.*

(9) Where a mundkar fails to deposit the first instalment or the lumpsum, as the case may be, on or before the due date, the amount due shall bear an interest of six per cent per annum.

(10) If the second and subsequent instalments of the purchase price along with the interest, prescribed under sub-section (10) of section 18, are not deposited on the due dates, the amount of such instalment shall bear interest at the rate of six per cent per annum from that date till the date of deposit of the instalment.

Assembly Hall,

Panaji,

22nd April, 1976.

M. M. NAIK

Secretary to the Legislative Assembly
of Goa, Daman and Diu.